

IN THE SUPREME COURT OF IOWA

No. 22–0385

Polk County No. CVCV061992

ORDER

**ENVIRONMENTAL LAW AND POLICY  
CENTER, IOWA ENVIRONMENTAL  
COUNCIL and SIERRA CLUB,  
Petitioners-Appellants,**

vs.

**IOWA UTILITIES BOARD,  
Respondent-Appellee,**

and

**MIDAMERICAN ENERGY COMPANY,  
Intervenor-Appellee,**

and

**OFFICE OF CONSUMER ADVOCATE,  
Intervenor.**

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This matter comes before the court upon the motion of the Office of Consumer Advocate (OCA) for leave to file a reply brief, which was included as an attachment to the motion. Also before the court, on its own motion, is OCA’s proof brief and designation of parts. In its motion, OCA asserts it mistakenly believed its status as an intervenor “joining with Appellants” in the district court proceedings conferred upon it the status of an appellant in this appeal, and therefore filed a proof brief at the same time as the appellants. It further asserts no party has indicated an intent to resist OCA’s motion to file a reply brief.

The court notes OCA did not file a notice of appeal. Accordingly, OCA cannot seek appellate relief from the final order of the district court. *See Pearson v. City of Guttenberg*, 245 N.W.2d 519, 528 (Iowa 1976) (“[T]hose who have abandoned their appellate remedy are, of course, bound by trial court’s adjudication: ‘[N]ot having appealed, [the plaintiffs who did not appeal] cannot be granted any relief by this court . . . .’”) (quoting *Read v. Gregg*, 247 N.W. 199, 202 (1933)).

Upon consideration, the motion for leave to file a reply brief is denied. OCA's proof brief and designation of parts, both filed on June 9, 2022, are stricken. Within 10 days of the date of this order, appellees shall file amended proof briefs. Within 7 days of the date appellees file the last of their amended proof briefs, appellants may, as necessary, file an amended proof reply brief.

On all future filings in this matter the parties shall use the caption shown above.

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IOWA APPELLATE COURTS

State of Iowa Courts

**Case Number**  
22-0385

**Case Title**  
Environmental Law and Policy Center v. Iowa Utilities Bd

So Ordered

A handwritten signature in black ink, appearing to read "Chris McDonald", is written over a horizontal line.

Christopher McDonald, Justice

Electronically signed on 2022-08-05 13:34:11